

Proposed heritage listing of Exley House, 27 Finlay Road, Warrawee

Proposal Title :	Proposed heritage listing of Exley House, 27 Finlay Road, Warrawee		
Proposal Summary :	Proposed heritage listing of "Exley House" 27 Finlay Road, Warrawee, as a local heritage item in Ku-ring-gai Local Environmental Plan 2015		
PP Number :	PP_2016_KURIN_004_00	Dop File No :	16/05378

Proposal Details

Date Planning Proposal Received :	21-Apr-2016	LGA covered :	Ku-Ring-Gai
Region :	Metro(Parra)	RPA :	Ku-ring-gai Council
State Electorate :	KU-RING-GAI	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	27 Finlay Road		
Suburb :	Warrawee	City :	Postcode : 2074
Land Parcel :	Lot 5B DP 978020		

DoP Planning Officer Contact Details

Contact Name :	Mark Dennett
Contact Number :	0298601534
Contact Email :	mark.dennett@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Alexandra Plumb
Contact Number :	0294240795
Contact Email :	aplumb@kmc.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	Terry Doran
Contact Number :	0298601579
Contact Email :	terry.doran@planning.nsw.gov.au

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North subregion	Consistent with Strategy :	N/A

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MDP Number :		Date of Release :	
Area of Release (Ha)	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes :

The proposal does not seek to rezone or amend any development standards, and only seeks to heritage list 27 Finlay Road as a local heritage item.

Prior to the receipt of the planning proposal, the Department received correspondence from representatives of the landowner at 27 Finlay Rd (dated 16 March 2016), objecting to the proposal to heritage list the property at this time.

The landowner is seeking subdivision of the site and has requested the Department to delay or refuse the issuing of any Gateway Determination until a development application has been lodged with Council and subsequent approval is given for the subdivision of the land. The representatives had also written to OEH regarding the proposal.

At the time the Department received the planning proposal from Ku-ring-gai Council (6 April 2016), no comment from OEH Heritage Division had been provided. Council forwarded a letter from OEH Heritage Division (dated 8 April 2016) that addresses both the proposal and the correspondence from the representatives of the landowner.

The receipt date of the PP has been amended to 21 April 2016 as the Department received a copy of the OEH correspondence from Council. OEH supports local heritage listing, as per the planning proposal.

On consideration of the above correspondence and assessment, it is considered the proposal provides all necessary information to proceed with a Gateway determination.

The Department is required to take action in a timely manner and therefore it would be inappropriate to delay the process in this case.

The Gateway determination will require public exhibition of a minimum 14 days. This will allow the community and the landowner to provide their views to Council for further consideration.

This will also provide a further opportunity for the landowner and Council to reconsider the appropriateness of the proposed curtilage prior to any finalisation of the proposal.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The objective of the planning proposal is to list 27 Finlay Road, Warrawee (Lot 5B DP 978020) as an item of local heritage significance in the Ku-ring-gai Local Environmental Plan 2015.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The planning proposal seeks to amend Schedule 5 'Environmental Heritage' of the Ku-ring-gai Local Environmental Plan 2015 written instrument by inserting the following details under each heading:

Suburb: Warrawee
Item name: "Exley House" Dwelling House and Interior
Address: 27 Finlay Road
Property Description: Lot 5B DP 978020
Significance: Local
Item no: To be confirmed

The planning proposal also seeks to amend Heritage Map Sheet HER_007 by colouring the subject property so as to indicate 'Heritage Item - General'

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.3 Home Occupations

6.1 Approval and Referral Requirements

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? No

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SREP (Sydney Harbour Catchment) 2005

SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)

SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS.

The planning proposal is consistent with all relevant Section 117 Directions.

SEPPS and Deemed SEPPS

The planning proposal is consistent with all relevant SEPPs and Deemed SEPPs.

Have inconsistencies with items a), b) and d) being adequately justified? N/A

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The proposal clearly shows the proposed location and heritage listing of the subject property.

However the proposal does not show the existing non-heritage status of the subject property. Prior to any public exhibition, the proposal is to include a map to show the existing non-heritage status of the subject property.

Prior to any gazettal of the plan, an appropriate heritage label number will need to be added to heritage map corresponding with Schedule 5 of the written instrument.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The proposal recommends a 28 day exhibition period. However it is noted the proposal is classed as low impact as described in 'A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)' and should be made publicly available for a minimum of 14 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **March 2015**

Comments in relation to Principal LEP : The proposal is to amend Ku-ring-gai Local Environmental Plan 2015.

Assessment Criteria

Need for planning proposal : The proposal states the site has been assessed as satisfying the NSW Heritage Council's Criteria for local heritage significance and the proposal is the best means of achieving the objective to conserve and protect the site's heritage value.

Consistency with strategic planning framework : **METROPOLITAN PLAN - A PLAN FOR GROWING SYDNEY**
The proposal is considered consistent with the Metropolitan Plan.

The proposal is of relative minor significance in regards to the Plan, and will not adversely affect or impact on any aspect of the Plan in achieving its goals.

KU-RING-GAI COMMUNITY STRATEGIC PLAN (CSP) - 2030.
The proposal is considered consistent with the local Community Strategic Plan, specifically in regard to the CSP's commitment to protect and promote heritage in the local government area.

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Environmental social
economic impacts :

ENVIRONMENTAL

There are no anticipated environmental effects as a result of the local heritage listing of the property.

SOCIAL

The proposal states the heritage listing will have positive social benefits in recognising the local cultural and environmental heritage significance of the site.

ECONOMIC

The reason for the listing originated from the advertised sale of the property and land as a potential knock down and rebuild. An interim heritage order was placed on the subject site in October 2015 to halt any demolition/redevelopment of the site.

The heritage listing will ensure additional heads of consideration apply to proposed development of the site, enabling appropriate consideration by Council.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Signed Letter to Department of Planning requesting gateway determination for Planning Proposal to heritage list 27 Finlay Road Warrawee.pdf	Proposal Covering Letter	Yes
Combined Planning Proposal - Sent for Gateway - 27 Finlay Road Warrawee - Heritage Listing.pdf	Proposal	Yes

OEH Response to have No 27 Finlay Road Warrawee locally listed.pdf

Proposal

Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.3 Heritage Conservation**
 3.1 Residential Zones
 3.3 Home Occupations
 6.1 Approval and Referral Requirements
 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **GATEWAY DETERMINATION**
 * The proposal is a minor matter of local planning significance.
 * The recommendation is consistent with the planning proposal submitted by Council.
 * The Office of Environment and Heritage (Heritage Division) raises no objections to the inclusion of an additional item of heritage significance, as the listing will provide a link between past, present and future generations.

As a consequence, it is considered appropriate that the Gateway determination function be exercised by the Director, Sydney Region West.

AGENCY CONSULTATION

In view of the letter of support from the Office of Environment and Heritage (Heritage Division), no agency consultation is recommended.

DELEGATION OF PLAN MAKING FUNCTION

Council has requested it exercise the plan making function in relation to this planning proposal. Authorisation for Council to exercise the plan making function is supported and recommended.

SECTION 117 DIRECTIONS

The proposal is consistent with all relevant Section 117 Directions.

GATEWAY RECOMMENDATION AND CONDITIONS

It is recommended that the planning proposal proceeds, subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal to include a heritage map that shows the existing status of the subject site as a non-heritage listing item.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.
3. No public hearing is required to be held into the matter under section 56(2) (e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

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Supporting Reasons : The heritage listing of 27 Finlay Road, Warrawee, will assist in protecting and conserving the heritage qualities of the building and its curtilage.

Signature:



Printed Name:

T. DORIAN

Date:

27/4/16